



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

JUN 13 2016

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

**NOTICE OF VIOLATION**

Mr. Mark Gorman  
Municipal Administrator  
City and Borough of Sitka  
100 Lincoln Street  
Sitka, Alaska 99835

Re: City and Borough of Sitka Wastewater Treatment Facility  
NPDES Permit Number AK-002147-4

Dear Mr. Gorman:

On November 21, 2001, the U.S. Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to the City and Borough of Sitka, Alaska ("City") wastewater treatment facility ("Facility"), NPDES Permit Number AK-002147-4 ("Permit"). The Permit became effective on December 31, 2001 and expired on January 2, 2007. Subsequently, EPA administratively extended the Permit. The purpose of this letter is to notify you of violations EPA discovered upon review of administrative files including the Discharge Monitoring Reports (DMRs) submitted by the City, and in response to an inspection of the Facility conducted by EPA on September 3, 2015. The purpose of this inspection was to determine the City's compliance with the requirements of the Clean Water Act (CWA) and the NPDES Permit. I would like to express my appreciation for your staff's time and cooperation during the inspection. At the time of the inspection, the inspector did not find any areas of concern.

**REVIEW OF ADMINISTRATIVE FILES**

1. EPA reviewed DMRs from May 2011 through April 2016 and identified effluent limitation exceedances that constitute 33 violations of the CWA, 33 U.S.C. § 1251 *et seq.* A list of these violations is enclosed (Enclosure A).
2. Part II.C of the Permit states, in part, "Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form. The reports shall be submitted monthly and are to be postmarked by the 15th day of the following month."

Upon review of DMRs from May 2011 through April 2016, EPA found that the Facility submitted the July 2014 DMR late. EPA did not receive the July 2014 DMR, due by August 15, 2014, until September 30, 2014. This is a violation of Part II.C of the Permit.

3. Part I.B.2 of the Permit states, in part, "Influent and effluent monitoring (Part B.3.) must be reported monthly on the Discharge Monitoring Report as required under Part II.C of this permit. A report summarizing the results for Receiving Water Quality Monitoring Requirements (Part B.4.) and Biological Monitoring (Part B.5.) must be submitted to EPA Region 10 by December 31 of each year in which samples are collected."

Part I.B.4 of the Permit states, in part, "Water quality shall be monitored twice per year [once during the dry season (July through December) and once during the wet season (January through June)] in the second and fourth years of the permit. Fecal coliform bacteria shall be measured annually in July at seven stations that have been established during sampling conducted under the previous permit."

Part I.B.5.e.1 of the Permit states, "Biological monitoring reports shall: be submitted to EPA Region 10 by December 31 of the second and fourth years of this permit term."

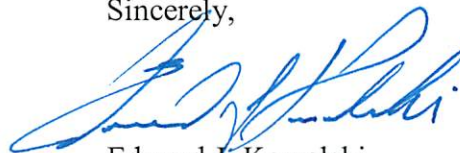
Upon review of DMRs from May 2011 through April 2016, EPA found that the Facility was late in submitting three reports required under Part I.B.4, and two reports required under Part I.B.5, of the Permit. Those are five violations of Part I.B.2 of the Permit. A list of the violations is enclosed (Enclosure B).

On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure C).

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to respond appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure D). If you have any questions concerning this matter, please call Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski  
Director

Enclosures

cc: Mr. Mike Solter  
Alaska Department of Environmental Conservation  
[michael.solter@alaska.gov](mailto:michael.solter@alaska.gov)

Mr. Robert Reid  
Wastewater Facilities Operator  
City & Borough of Sitka, Alaska  
[Robert.reid@cityofsitka.org](mailto:Robert.reid@cityofsitka.org)